

The Federal Magistrates Act requires a district court to “‘make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)) (emphasis and brackets omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.* (internal quotation marks omitted).

This Court has reviewed the memorandum and recommendation and has not found clear error.

IT IS, THEREFORE, ORDERED THAT

- (1) The Memorandum and Recommendation (Doc. 15) is **ADOPTED**;
- (2) Plaintiff's Motion for Summary Judgment (Doc. 10) is **DENIED**;¹
- (3) Defendant's Motion for Summary Judgment (Doc. 13) is **DENIED**; and
- (4) The Commissioner's determination is **VACATED** and this matter is **REMANDED** for further administrative proceedings.

Signed: June 12, 2017



Richard L. Voorhees
United States District Judge



¹ Although this Court's order grants Plaintiff favorable relief in the form of a remand for further administrative proceedings, Plaintiff's Motion for Summary Judgment (Doc. 10) is denied, as a matter of procedure, because the Court does not provide Plaintiff the requested relief of a judgment as a matter of law on the matter of whether Plaintiff is disabled under the Social Security Act.